

1 **Rule 4-205. Security of court records.**

2 Intent:

3 To assure that the security and accuracy of court records are maintained.

4 To assure that authorized personnel have access to court records when appropriate.

5 To establish responsibility of court personnel for security of court records.

6 To establish the procedures for securing non-public records.

7 Applicability:

8 This rule shall apply to all courts of record and not of record.

9 Statement of the Rule:

10 (1) Court records restricted. All court records shall be kept in a restricted area of the court closed to
11 public access.

12 (2) The clerk of the court may authorize, in writing, abstractors, credit bureau representatives, title
13 company representatives and others who regularly research court records to have direct access to public
14 court records. The clerk of the court shall ensure that persons to whom such authorization is granted are
15 trained in the proper retrieval and filing of court records. The clerk of court may set reasonable restrictions
16 on time and place for inspecting and copying records.

17 (3) Removal of records. Court records shall not be removed from their normal place of storage except
18 by court personnel or by individuals obtaining the written authorization of the clerk of the court or the
19 judge assigned to the case. Court records shall not be removed from the courthouse without permission
20 of the court. Records removed from the courthouse shall be returned within two days, except that records
21 removed for the purpose of an appeal shall be returned within such time as specified by the clerk of the
22 court, unless otherwise ordered by the judge. Any person removing a record is responsible for the
23 security and the integrity of the record.

24 (4) Management of non-public records.

25 (4)(A) Method of sealing and storage. Non-public records which are part of a larger public record shall
26 be filed apart from the public record or in a manner that clearly distinguishes the record as not public.
27 Sealed records shall be placed in an envelope which is securely sealed. The clerk of the court shall
28 record the case number and record classification on the envelope and shall inscribe across the sealed
29 part of the envelope the words "Not to be opened except upon permission of the court."

30 (4)(B) Expunged records.

31 (4)(B)(i) Upon entry of an order of expungement, the clerk of the court shall:

32 (4)(B)(i)(a) obliterate or destroy all reference to the expunged portion of the record in the paper copy
33 of the index and maintain a separate index of expunged records not available to the public;

34 ~~(4)(B)(ii)~~ (4)(B)(i)(b) cover, without obliterating or destroying, all entries in the paper copy of the
35 register of actions, including case identifying information other than the court docket number; and

36 ~~(4)(B)(iii)~~ (4)(B)(i)(c) place an entry in the computer record that restricts retrieval of case identifying
37 information and the register of actions to court personnel with authorization to review such information.
38 The security restriction shall not be removed except upon written order of the court.

39 (4)(B)(ii) Upon being served with an order of expungement, the clerk of an appellate court shall
40 comply with paragraph (4)(B)(i). A brief will not be classified as private, protected, sealed, or safeguarded,
41 juvenile court legal, or juvenile court social unless a motion or petition to do so under Rule 4-202.04 is
42 granted.

43 (4)(C) Record of event. The record of expunging or sealing a record shall be entered in the register of
44 actions.